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AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

INTRODUCTION

I, Kelly Liberti, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent of the FBI since November, 1995, and am currently assigned to the Elyria Resident Agency in the Cleveland Division. While employed by the FBI, I have investigated federal criminal violations related to high technology or cyber crime, child exploitation, and child pornography. I have gained experience through training at the FBI Academy and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media

2. I am an “investigative or law enforcement officer” of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code.

3. This affidavit is being submitted for the limited purpose of establishing probable cause that ROBERT B. RAY, age 51, currently residing at 3843 Reserve Trail, Lorain, Ohio, has received, conspired to receive, and attempted to receive child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A) and (b)(1) (receipt and distribution of, conspiracy to receive and distribute, and attempt to receive and distribute child pornography); and ROBERT B. RAY has possessed, knowingly accessed, conspired to access, or attempted to access with intent to view

child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2) (knowing access, conspiracy to access, or attempted access with intent to view child pornography).

RELEVANT STATUTES

4. This investigation concerns alleged violations of:
 - a. 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1) prohibits a person from knowingly receiving, distributing or conspiring to receive or distribute any child pornography or any material that contains child pornography, as defined in 18 U.S.C. § 2256(8), that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; and
 - b. 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2) prohibits a person from knowingly possessing or knowingly accessing with intent to view, or attempting to do so, any material that contains an image of child pornography, as defined in 18 U.S.C. § 2256(8), that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

DEFINITIONS

5. The following definitions apply to this Affidavit and attachments hereto:
 - a. “Bulletin Board” means an Internet-based website that is either secured

(accessible with a password) or unsecured, and provides members with the ability to view postings by other members and make postings themselves. Postings can contain text messages, still images, video images, or web addresses that direct other members to specific content the poster wishes. Bulletin boards are also referred to as “internet forums” or “message boards.” A “post” or “posting” is a single message posted by a user. Users of a bulletin board may post messages in reply to a post. A message “thread,” often labeled a “topic,” refers to a linked series of posts and reply messages. Message threads or topics often contain a title, which is generally selected by the user who posted the first message of the thread. Bulletin boards often also provide the ability for members to communicate on a one-to-one basis through “private messages.” Private messages are similar to e-mail messages that are sent between two members of a bulletin board. They are accessible only by the user who sent/received such a message, or by the Website Administrator.

- b. “Chat” refers to any kind of communication over the Internet that offers a real-time transmission of text messages from sender to receiver. Chat messages are generally short in order to enable other participants to respond quickly and in a format that resembles an oral conversation. This feature distinguishes chatting from other text-based online communications such as Internet forums and email.
- c. “Child Erotica,” as used herein, means materials or items that are sexually arousing to persons having a sexual interest in minors but that are not, in

and of themselves, legally obscene or that do not necessarily depict minors in sexually explicit conduct.

- d. “Child Pornography,” as used herein, is defined in 18 U.S.C. § 2256(8) as any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.
- e. “Computer,” as used herein, is defined pursuant to 18 U.S.C. § 1030(e)(1) as “an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device.”
- f. “Computer Server” or “Server,” as used herein, is a computer that is attached to a dedicated network and serves many users. A web server, for example, is a computer which hosts the data associated with a website. That web server receives requests from a user and delivers information from the server to the user’s computer via the Internet. A domain name system (“DNS”) server, in essence, is a computer on the Internet that routes communications when a user types a domain name, such as www.cnn.com, into his or her web browser. Essentially, the domain name

must be translated into an Internet Protocol (“IP”) address so the computer hosting the web site may be located, and the DNS server provides this function.

- g. “Computer hardware,” as used herein, consists of all equipment which can receive, capture, collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, or similar computer impulses or data. Computer hardware includes any data-processing devices (including, but not limited to, central processing units, internal and peripheral storage devices such as fixed disks, external hard drives, floppy disk drives and diskettes, and other memory storage devices); peripheral input/output devices (including, but not limited to, keyboards, printers, video display monitors, and related communications devices such as cables and connections), as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (including, but not limited to, physical keys and locks).
- h. “Computer software,” as used herein, is digital information which can be interpreted by a computer and any of its related components to direct the way they work. Computer software is stored in electronic, magnetic, or other digital form. It commonly includes programs to run operating systems, applications, and utilities.
- i. “Computer-related documentation,” as used herein, consists of written, recorded, printed, or electronically stored material which explains or illustrates how to configure or use computer hardware, computer software,

or other related items.

- j. “Computer passwords, pass-phrases and data security devices,” as used herein, consist of information or items designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password or pass-phrase (a string of alpha-numeric characters) usually operates as a sort of digital key to “unlock” particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software of digital code may include programming code that creates “test” keys or “hot” keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt, compress, hide, or “booby-trap” protected data to make it inaccessible or unusable, as well as reverse the process to restore it.
- k. “File Transfer Protocol” (“FTP”), as used herein, is a standard network protocol used to transfer computer files from one host to another over a computer network, such as the Internet. FTP is built on client-server architecture and uses separate control and data connections between the client and the server.
- l. “Host Name.” A Host Name is a name assigned to a device connected to a computer network that is used to identify the device in various forms of electronic communication, such as communications over the Internet;
- m. “Hyperlink” refers to an item on a web page which, when selected,

transfers the user directly to another location in a hypertext document or to some other web page.

- n. The "Internet" is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.
- o. "Internet Service Providers" ("ISPs"), as used herein, are commercial organizations that are in business to provide individuals and businesses access to the Internet. ISPs provide a range of functions for their customers including access to the Internet, web hosting, e-mail, remote storage, and co-location of computers and other communications equipment. ISPs can offer a range of options in providing access to the Internet including telephone based dial-up, broadband based access via digital subscriber line ("DSL") or cable television, dedicated circuits, or satellite based subscription. ISPs typically charge a fee based upon the type of connection and volume of data, called bandwidth, which the connection supports. Many ISPs assign each subscriber an account name – a user name or screen name, an "e-mail address," an e-mail mailbox, and a personal password selected by the subscriber. By using a computer equipped with a modem, the subscriber can establish communication with an Internet Service Provider ("ISP") over a telephone line, through a cable system or via satellite, and can access the Internet by using his or her

account name and personal password.

- p. “Internet Protocol address” or “IP address” refers to a unique number used by a computer to access the Internet. IP addresses can be “dynamic,” meaning that the ISP assigns a different unique number to a computer every time it accesses the Internet. IP addresses might also be “static,” if an ISP assigns a user’s computer a particular IP address which is used each time the computer accesses the Internet. IP addresses are also used by computer servers, including web servers, to communicate with other computers.
- q. Media Access Control (“MAC”) address. The equipment that connects a computer to a network is commonly referred to as a network adapter. Most network adapters have a MAC address assigned by the manufacturer of the adapter that is designed to be a unique identifying number. A unique MAC address allows for proper routing of communications on a network. Because the MAC address does not change and is intended to be unique, a MAC address can allow law enforcement to identify whether communications sent or received at different times are associated with the same adapter.
- r. “Minor” means any person under the age of eighteen years. See 18 U.S.C. § 2256(1).
- s. The terms “records,” “documents,” and “materials,” as used herein, include all information recorded in any form, visual or aural, and by any means, whether in handmade form (including, but not limited to, writings,

drawings, painting), photographic form (including, but not limited to, microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies), mechanical form (including, but not limited to, phonograph records, printing, typing) or electrical, electronic or magnetic form (including, but not limited to, tape recordings, cassettes, compact discs, electronic or magnetic storage devices such as floppy diskettes, hard disks, CD-ROMs, digital video disks (“DVDs”), Personal Digital Assistants (“PDAs”), Multi Media Cards (“MMCs”), memory sticks, optical disks, printer buffers, smart cards, memory calculators, electronic dialers, or electronic notebooks, as well as digital data files and printouts or readouts from any magnetic, electrical or electronic storage device).

- t. “Secure Shell” (“SSH”), as used herein, is a security protocol for logging into a remote server. SSH provides an encrypted session for transferring files and executing server programs.
- u. “Sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person. See 18 U.S.C. § 2256(2).
- v. “URL” is an abbreviation for Uniform Resource Locator and is another name for a web address. URLs are made of letters, numbers, and other symbols in a standard form. People use them on computers by clicking a

pre-prepared link or typing or copying and pasting one into a web browser to make the computer fetch and show some specific resource (usually a web page) from another computer (web server) on the Internet.

- w. “Visual depictions” include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image. See 18 U.S.C. § 2256(5).
- x. “Website” consists of textual pages of information and associated graphic images. The textual information is stored in a specific format known as Hyper-Text Mark-up Language (“HTML”) and is transmitted from web servers to various web clients via Hyper-Text Transport Protocol (“HTTP”);

BACKGROUND OF THE INVESTIGATION AND PROBABLE CAUSE

6. From an investigation conducted by the FBI, “Website A,” operating since approximately August of 2014, operating since approximately August of 2014, was a child pornography bulletin board and website dedicated to the advertisement and distribution of child pornography and the discussion of matters pertinent to the sexual abuse of children, including the safety and security of individuals who seek to sexually exploit children online.

7. In total, “Website A” contained thousands of postings and messages containing child pornography images. Those images included depictions of nude prepubescent minors lasciviously exposing their genitals or engaged in sexually explicit conduct with adults of other children.

8. There is probable cause to believe that Robert Ray of 3843 Reserve Trail, Lorain, Ohio, knowingly received and accessed with intent to view and receive child pornography on

“Website A.”¹

“Analog^” on “Website A”

9. According to data obtained from “Website A,” a user with the user name “Analog^” engaged in the following activity on “Website A.”

10. The profile page of user “Analog^” indicated this user originally registered an account on “Website A” on December 23, 2014. Profile information on “Website A” may include contact information and other information that is supplied by the user. It also contains information about that user’s participation on the site, including statistical information about the user’s posts to the site and a categorization of those posts. According to the user “Analog^’s” profile, this user was a “Normal” Member of “Website A.” Further, according to the Statistics section of this user’s profile, the user “Analog^” had been actively logged into the website for a total of 18.03 hours between the dates of December 23, 2014 and March 4, 2015.

SEARCH OF 3843 RESERVE TRAIL, LORAIN, OHIO

11. On July 29, 2015, a federal search warrant, authorized by United States Magistrate Judge Gregory A. White, was executed at 3843 Reserve Trail, Lorain, Ohio. Robert B. Ray was voluntarily interviewed and informed Agents which computers and digital media belonged to him and which belonged to his wife. An onsite forensic preview of computers and digital media belonging to Ray showed child pornography, to include bestiality and sadistic/masochism images. Additionally, on Ray’s laptop, a file labeled “Taken By Me” was

¹ The actual name of “Website A” is known to law enforcement. Disclosure of the name of the site would potentially alert its members to the fact that law enforcement action is being taken against the site and its users, potentially provoking members to notify other members of law enforcement action, flee, and/or destroy evidence. Accordingly, for purposes of the confidentiality and integrity of the ongoing investigation involved in this matter, specific names and other identifying factors have been replaced with generic terms and the website will be identified as “Website A.”


found in Ray's directory. In this file were videos of prepubescent girls under the age of three being penetrated by the fingers of an adult male.

12. Ray voluntarily appeared at the Elyria Resident Agency of the FBI for a polygraph examination and interview with an FBI Special Agent. During the pre-test interview, Ray told Agents he has collected approximately two to three terabytes of child pornography from the early 2000's to the present.

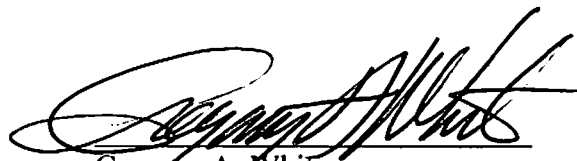
13. Ray admitted to using the user name "Analog^" and downloading child pornography from the Internet.

CONCLUSION

14. Based on the foregoing, there is probable cause to believe that Robert B. Ray violated 18 U.S.C. § 2252A(a)(2)(A) and (b)(1) (receipt and distribution of, conspiracy to receive and distribute, and attempt to receive and distribute child pornography); and 18 U.S.C. § 2252A(a)(5)(B) and (b)(2) (knowing access, conspiracy to access, or attempted access with intent to view child pornography).


Special Agent Kelly Liberti

Sworn to and subscribed before me this 29th day of July, 2015


Gregory A. White
United States Magistrate Judge